

# Customs Bulletin

Regulations, Rulings, Decisions, and Notices  
concerning Customs and related matters



## and Decisions

of the United States Court of Customs and  
Patent Appeals and the United States  
Customs Court

Vol. 14

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APRIL 16, 1980

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No. 16

*This issue contains*

General Notice

Reap. abstracts R80/48 through R80/70

International Trade Commission Notice

THE DEPARTMENT OF THE TREASURY  
U.S. Customs Service

## NOTICE

The abstracts, rulings, and notices which are issued weekly by the U.S. Customs Service are subject to correction for typographical or other printing errors. Users may notify the U.S. Customs Service, Logistics Management Division, Washington, D.C. 20229, of any such errors in order that corrections may be made before the bound volumes are published.

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# U.S. Customs Service

## *General Notice*

(TMK-2-RRUEE)

Notice of Application for Recordation of Trade Name Florasynth,  
Inc.

Application has been filed pursuant to section 133.12 Customs Regulations (19 CFR 133.12), for recordation under section 42 of the act of July 5, 1946, as amended (15 U.S.C. 1124) of the trade name Florasynth, Inc., used by Florasynth, Inc., a corporation organized under the laws of the State of New York, located at 410 East 62d Street, New York, N.Y. 10021.

The applicant states that the trade name is applied to essences and aromatic ingredients used as bases for cosmetics, toilet preparations, perfumes and colognes, and as flavor in foods, beverages, and tobacco products; essential oils, used as an odorant to mask disinfectants, insecticides, and similar products; extracts, flavors, oils, and emulsions for use in making soft drink sirups and bases; nonalcoholic preparation for producing a foam in soft drinks, and a flavoring agent used in the preparation of root beer; orange compound adapted to produce a cloud in nonalcoholic, maltless soft drink beverages, and having flavoring ingredients; natural and synthetic organic flavors, extracts, oils, and blenders for alcoholic beverages; imitation vanilla bean flavor; grapefruit juice powder, lemon juice powder, lime juice powder, orange juice powder, and brown sugar powdered flavor; citrus oils for food purposes; onion powder and garlic powder; and coffee, manufactured in Brazil, Canada, England, France, Japan, Mexico, and the United States. Various foreign subsidiaries are authorized to use the trade name. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received not later

than 30 days from the date of publication of this notice in the Federal Register.

Notice of the action taken on the application for recordation of the trade name will be published in the Federal Register.

Dated: February 1, 1980.

DONALD W. LEWIS,  
*Director, Office of  
Regulations and Rulings.*

# Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza  
New York, N. Y. 10007

*Chief Judge*

Edward D. Re

*Judges*

Paul P. Rao  
Morgan Ford  
Scovel Richardson  
Frederick Landis

James L. Watson  
Herbert N. Maletz  
Bernard Newman  
Nils A. Boe

*Senior Judge*

Samuel M. Rosenstein

*Clerk*

Joseph E. Lombardi

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## *Abstracts*

### *Abstracted Reappraisement Decisions*

DEPARTMENT OF THE TREASURY, *March 24, 1980.*

The following abstracts of decisions of the United States Customs Court at New York are published for the information and guidance of officers of the Customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to customs officials in easily locating cases and tracing important facts.

ROBERT E. CHASEN,  
*Commissioner of Customs.*

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R80/48	Rao, J. March 17, 1980	Imported Rug Associates, Ltd.	R83/5751, etc.	Export value	F.o.b. unit invoice prices plus 20% of dif- ference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	New York Rugs
R80/49	Rao, J. March 17, 1980	Stone & Downer Co. Inc.	R88/22615, etc.	Export value	F.o.b. unit invoice prices plus 20% of dif- ference between f.o.b. unit prices and ap- praised values, net packed	Agreed statement of facts	Boston Binoculars
R80/50	Rao, J. March 17, 1980	Strong Importers, Inc.	242663-A, etc.	Export value	Appraised values less 7.5%	Agreed statement of facts	New York Sewing machines
R80/51	Watson, J. March 17, 1980	Geigy Chemical Corporation	R65/24002, etc.	United States value	U.S. selling prices, less 1% cash discount as determined by cus- toms officer at time of appraisal; less 25.7% representing profit and general ex- penses usually made in U.S. on sales of dye- stuffs of same class or kind; less costs of transportation and in- surance from place of shipment to place of delivery in amounts determined by cus- toms officer at time of	U.S. v. Geigy Chemical Corporation et al. (C.A.D. 1155)	New York Benzonoid dyestuffs

R90/52	Watson, J. March 17, 1980	Rohrer Gehrig & Co., Inc.	R86/19746	United States value	appraisal; di- vided by 1.40 or such other factor applied by customs officer, to allow for customs du- ties payable on im- ported dyestuffs	U.S. selling prices, less 1% cash discount as determined by cus- toms officer at time of appraisal; less 23.5% representing profit and general ex- penses usually made in U.S. on sales of dye- stuffs of same class or kind; less costs of transportation and in- surance from place of shipment to place of delivery in amounts determined by cus- toms officer at time of appraisal; di- vided by 1.40 or such other factor applied by customs officer, to allow for customs du- ties payable on im- ported dyestuffs	U.S. v. Geigy Chemical Corporation et al. (C.A.D. 1155)	New York Benzonold dyestuffs
R90/53	Rao, J. March 18, 1980	Brother International Corp.	R85/4303, etc.	Export value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit in- voice prices and ap- praised values		Agreed statement of facts	Philadelphia Consoles and sewing machine heads

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R80/54	Rao, J. March 18, 1980	Hayim & Co.	R59/7080, etc.	Export value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	New York Rugs
R80/55	Rao, J. March 18, 1980	Imported Rug Associates, Ltd.	R66/1803, etc.	Export value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	New York Rugs
R80/56	Rao, J. March 18, 1980	Imported Rug Associates, Ltd.	R67/2211, etc.	Export value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	New York Rugs
R80/57	Rao, J. March 18, 1980	Imported Rug Associates, Ltd.	R67/15477, etc.	Export value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	New York Rugs
R80/58	Rao, J. March 19, 1980	Brother International Corp.	R61/18710	Export value	Appraised unit values less 7.5%, net packed	Agreed statement of facts	New York Sewing machine heads
R80/59	Rao, J. March 19, 1980	Brother International Corp.	R62/12990, etc.	Export value	Appraised unit values less 7.5%, net packed	Agreed statement of facts	Philadelphia Sewing machines and wooden consoles



CUSTOMS COURT

7

R80/60	Rao, J. March 19, 1980	Mitsubishi International Corp.	R62/2241, etc.	Export value	Appraised unit values less 7.5% net packed	Agreed statement of facts	New York Canned tuna
R80/61	Rao, J. March 19, 1980	Transworld Industries, Inc.	R62/2312, etc.	Export value	Appraised unit values less 7.5% net packed	Agreed statement of facts	New York Sewing machines
R80/62	Rao, J. March 19, 1980	Trans World Industries, Inc.	R65/23084, etc.	Export value	Appraised unit values less 7.5% net packed	Agreed statement of facts	New York Sewing machines
R80/63	Ford, J. March 19, 1980	C M Import & Export Corp.	R65/4951, etc.	United States value	F.o.b. unit invoice prices plus 50%	Agreed statement of facts	San Francisco Electron receiving tubes
R80/64	Ford, J. March 10, 1980	C M Import & Export Corp.	R66/16864	United States value	F.o.b. unit invoice prices plus 50%	Agreed statement of facts	New York Electron receiving tubes
R80/65	Re, C. J. March 20, 1980	Holly Stores Inc.	76-8-01839, etc.	Export value	Appraised values shown on entry papers less those additions included in appraised values to reflect currency revaluation	C.B.S. Imports Corp. v. U.S. (C.D. 4739)	Los Angeles Wearing apparel, etc.
R80/66	Rao, J. March 20, 1980	Brother Int'l Corp.	R63/1222, etc.	Export value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	Philadelphia Sewing machine heads
R80/67	Rao, J. March 20, 1980	Consolidated Sewing Machine Corp.	R62/9577, etc.	Export value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	Los Angeles Sewing machine heads

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R80/68	Rao, J. March 20, 1980	Tanross Supply Co.	R88/1720, etc.	Export value	F.o.b. unit invoice prices plus 20% of difference between f.o.b. unit invoice prices and appraised values	Agreed statement of facts	New York Binoculars
R80/69	Rao, J. March 20, 1980	Trans World Industries, Inc.	R65/16050, etc.	Export value	Appraised unit values less 7.5%, net packed	Agreed statement of facts	New York Sewing machines
R80/70	Ford, J. March 20, 1980	C M Import & Export Corp.	R85/2542	United States value	F.o.b. unit invoice prices plus 50%	Agreed statement of facts	Chicago Electron receiving tubes

# International Trade Commission Notices

*Investigations by the U.S. International Trade Commission*

## DEPARTMENT OF THE TREASURY

The appended notices relating to investigations by the U.S. International Trade Commission are published for the information of Customs Officers and others concerned.

R. E. CHASEN,  
*Commissioner of Customs.*

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## FACTUAL HIGHLIGHTS

*Anhydrous Ammonia From the U.S.S.R. USITC Inv. No. TA-406-6*

### *Status of proceedings:*

1. Request from President—January 18, 1980.
2. Date investigation instituted by USITC—January 28, 1980.
3. Public hearing (date, time, and location)—March 3, 1980, 10 a.m., USITC hearing room.

### *U.S. Industry:*

1. Number of producers—51.
2. Location of producers (by region and States)—79 locations, primarily in Louisiana, Texas, and Oklahoma.
3. Types of products—Ammonia,  $\text{NH}_3$  which is used primarily as fertilizer.
4. Employment—1979; 4,162 workers.
5. Estimated quantity of producers' shipments—17.6 million short-tons in 1979.
6. Estimated apparent U.S. consumption—19.5 million short-tons in 1979.
7. Other pertinent data—In October 1979 the Commission determined by a 3 to 2 vote that market disruption exists.

*U.S. Imports:*

1. Value of imports (in dollars by year)—1977 \$103 million; 1978 \$134 million; and 1979 \$166 million.

2. Major Source of Imports (by country, percent of total, in dollars)—U.S.S.R. 34 percent, \$56 million; Canada 31 percent, \$51 million; Trinidad 20 percent, \$33 million; and Mexico 15 percent, \$26 million.

3. Imports as percent of Estimated U.S. Apparent Consumption based on quantity—

Year	Percent by year	
	All sources	U.S.S.R.
1977-----	6	0
1978-----	8	2
1979-----	10	4

In the Matter of  
CERTAIN AIRTIGHT, CAST-IRON  
STOVES

Investigation No. 337-TA-69

*Notice of Termination*

Upon consideration of the presiding officer's recommendation and the record in this proceeding, the Commission is ordering the termination of investigation No. 337-TA-69, Certain Airtight Cast-Iron Stoves, as to respondents Radke Imports, Inc., and Tetro Imports, by granting the motion (motion docket No. 69-7) by the Commission investigative attorney to terminate this investigation as to those two respondents. The motion to terminate was unopposed by the complainants, Jotul, Inc., and Kristia Associates.

The order is effective as of March 26, 1980.

Any party wishing to petition for reconsideration of the Commission's action must do so within 14 days of service of the Commission order and Commissioners' opinion(s). Such petitions must be in accord with Commission rule 210.56 (19 CFR 210.56).

Copies of the Commission's action and order, the Commissioners' opinion(s), and any other public documents in this investigation are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0161.

Notice of the institution of this investigation was published in the Federal Register of July 12, 1979 (44 F.R. 4073233).

Issued: March 26, 1980.

KENNETH R. MASON,  
*Secretary.*

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PORTABLE ELECTRIC TYPEWRITERS—INVESTIGATION No. 731-TA-12  
(FINAL)

*Notice of Scheduling of Hearing*

ACTION: Notice hereby given that:

(a) Public hearing date confirmed, viz, for 9 a.m., e.s.t., Thursday, April 10, 1980, in the Commission's hearing room, 701 E Street NW., Washington, D.C.,

(b) Prehearing staff report will be available to the parties on Monday, March 24, 1980,

(c) Prehearing conference will be held beginning at 10 a.m., e.s.t., Thursday, April 3, 1980, and

(d) Prehearing statements are due from parties by Thursday, April 8, 1980.

FOR FURTHER INFORMATION CONTACT: Bruce Cates, the supervisory investigator assigned by the Commission to this investigation. Telephone 202-523-0368.

SUPPLEMENTARY INFORMATION: The Commission instituted investigation 731-TA-12 (final) concerning portable electric typewriters from Japan effective January 1, 1980 (45 F.R. 3401, January 17, 1980), pursuant to section 102(b) of the Trade Agreements Act of 1979. That notice incorporated a tentative hearing date.

By order of the Commission.

Issued: March 27, 1980.

KENNETH R. MASON,  
*Secretary.*

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MELAMINE IN CRYSTAL FORM—INVESTIGATION NOS. 731-TA-13  
(FINAL), 731-TA-14 (FINAL), AND 731-TA-16 (FINAL)

*Notice of Scheduling of Hearing*

ACTION: Notice is hereby given that:

(a) Public hearing date confirmed, viz, for 10 a.m., Friday, April 11,

1980, in the Commission's hearing room, 701 E Street NW., Washington, D.C.,

(b) Prehearing staff report will be available to the parties on Tuesday, March 25, 1980,

(c) Prehearing statements are due from parties by Wednesday, April 9, 1980.

FOR FURTHER INFORMATION CONTACT: John MacHatton, the supervisory investigator assigned by the Commission to this investigation. Telephone 202-523-0439.

SUPPLEMENTARY INFORMATION: The Commission effective January 1, 1980, instituted investigations 731-TA-13 (final) and 731-TA-14 (final) (45 F.R. 3401, January 17, 1980) and effective February 26, 1980, instituted investigation 731-TA-16 (final) (45 F.R. 17096, March 17, 1980). That notice incorporated a tentative hearing date.

By order of the Commission.

Issued: March 27, 1980.

KENNETH R. MASON,  
*Secretary.*

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[(731-TA-18/24 (Preliminary))]

CERTAIN CARBON STEEL PRODUCTS FROM BELGIUM, THE FEDERAL  
REPUBLIC OF GERMANY, FRANCE, ITALY, LUXEMBOURG, THE  
NETHERLANDS, AND THE UNITED KINGDOM

*Notice of Institution of Preliminary Antidumping Investigations and  
Scheduling of Conference*

*Investigations instituted.*—Following receipt of petitions on March 21, 1980, filed on behalf of United States Steel Corp., the Commission on March 26, 1980, instituted preliminary antidumping investigations under section 733(a) of the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the following articles of iron or steel, other than alloys of iron or steel,<sup>1</sup> which the petitioner alleges are being, or are likely to be, sold in the United States at less than fair value:

Plate, provided for in TSUS items 607.66, 607.83, 607.94, 608.07, and 608.11,

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<sup>1</sup> The articles descriptions in the petitions were derived from the Tariff Schedules of the United States Annotated (1978) (TSUS). This notice provides for identical coverage in terms of the TSUS (1980).

Hot-rolled sheet, provided for in TSUS items 607.67 and 607.83,  
Cold-rolled sheet, provided for in TSUS item 607.83,  
Sheet, coated or plated with zinc, provided for in TSUS items  
608.07 and 608.13, and

Angles, shapes, and sections, having a maximum cross-sectional  
dimension of 3 inches or more, provided for in TSUS item  
609.80,

all the foregoing articles the products of Belgium (investigation No. 731-TA-18), the Federal Republic of Germany (investigation No. 731-TA-19), France (investigation No. 731-TA-20), Italy (investigation No. 731-TA-21), Luxembourg (angles, shapes, and sections only—investigation No. 731-TA-22), the Netherlands (except angles, shapes, and sections—investigation No. 731-TA-23), and the United Kingdom (investigation No. 731-TA-24).

These investigations will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 F.R. 76457) and, particularly, subpart B thereof, effective January 1, 1980.

*Written submissions.*—Any person may submit to the Commission on or before April 23, 1980, a written statement of information pertinent to the subject matter of the investigations. A signed original and 19 copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately and each sheet must be clearly marked at the top "Confidential business data." Confidential submissions must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All the written submissions, except for confidential business data, will be available for public inspection.

*Conference.*—The Director of Operations of the Commission has scheduled a conference in connection with the investigations for 10 a.m., e.s.t., on Thursday, April 17, 1980, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigations, Mr. Lynn Featherstone, 202-523-1376. It is anticipated that parties in support of the petition for antidumping duties will be allocated 3 hours within which to make an oral presentation at the conference and parties opposed to such petition will be collectively allocated 4 hours. Further details concerning the conduct of the conference will be provided by the supervisory investigator.

*Inspection of petitions.*—The petitions filed in these cases are available for public inspection at the Office of the Secretary, U.S. International Trade Commission, and at the New York City office of the

U.S. International Trade Commission located at 6 World Trade Center.

Issued: March 27, 1980.

KENNETH R. MASON,  
*Secretary.*

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WEIGHING MACHINERY AND SCALES FROM JAPAN—INVESTIGATION  
No. 701-TA-7 (FINAL)

*Notice of Change of Date and Hearing*

Notice is hereby given that the hearing in this investigation will be held beginning at 10 a.m., e.s.t., Monday, April 14, 1980, in the Commission's hearing room, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. A tentative hearing date of April 4, 1980, had previously been announced in the Commission's notice of institution of the investigation as published in the Federal Register of January 17, 1980 (45 F.R. 3400).

The Commission will prepare and place on the record by March 24, 1980, a staff report containing preliminary findings of fact. The Commission will serve the public portion of the staff report on the parties no later than March 24, 1980. Parties to the investigation will submit to the Commission a prehearing statement no later than April 8, 1980. Prehearing statements proffered after the close of business, April 8, 1980, will not be accepted. Each prehearing statement should include the following:

- (a) Exceptions, if any, to the preliminary findings of fact contained in the staff report;
- (b) Any additional or proposed alternative findings of fact;
- (c) Proposed conclusions of law; and
- (d) Any other information and arguments which the party believes relevant to the Commission's determination in this investigation.

The Commission has waived Commission rule 201.12(d) as amended, "Submission of prepared statements" in connection with this investigation. This rule stated that "Copies of witnesses' prepared statements should be filed with the Office of the Secretary of the Commission not later than 3 business days prior to the hearing and submission of such statements shall comply with sections 201.6 and 201.8 of this subpart." It is nevertheless the Commission's request that parties submit copies of witnesses' prepared testimony as early as practicable before the hearing in order to permit Commission review.

By order of the Commission.

Issued: March 26, 1980.

KENNETH R. MASON,  
*Secretary.*



In the Matter of  
CERTAIN HOLLOW FIBER  
ARTIFICIAL KIDNEYS

Investigation No. 337-TA-81

*Notice of Investigation*

Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 6, 1980, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Cordis Dow Corp., 999 Brickell Avenue, P.O. Box 450990, Miami, Fla. 33145, alleging that unfair methods of competition and unfair acts exist in the importation into the United States of hollow fiber artificial kidneys, or in their sale, (i) because such hollow fiber artificial kidneys are allegedly covered by claims 17, 18, 19, and 27 of U.S. Letters Patent No. 3,228,876; and (ii) because the proposed respondents breached an agreement not to infringe the '876 patent.

The complaint alleges that the effect or tendency of the unfair methods of competition and unfair acts is to substantially injure an industry, efficiently and economically operated, in the United States. The relief sought by the complaint is the temporary exclusion of the proposed respondents' artificial kidneys after an expedited hearing and their permanent exclusion after a full investigation. The complaint also requests that the Commission grant all other appropriate relief.

Having considered the complaint, the Commission on March 6, 1980, ORDERED THAT—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine whether there is reason to believe there is a violation and whether there is a violation of subsection (a) of this section, in the unauthorized importation of hollow fiber artificial kidneys into the United States, or in their sale, because such hollow fiber artificial kidneys are allegedly covered by claims 17, 18, 19, and 27 of U.S. Letters Patent No. 3,228,876, the effect or tendency of which is substantially to injure an industry, efficiently and economically operated, in the United States;

(2) That portion of the complaint alleging a breach of contract, as set forth in (ii) above, is not part of this investigation. The Commission determined that this position of the complaint was not clearly distinguishable from the allegation of patent infringement and, therefore, should not be treated as a separate count. This ruling should not be construed to prevent complainant from amending its complaint by alleging more specifically the factual basis and legal theories underlying the alleged breach of contract which would fall within the Commis-

sion's jurisdiction. The Commission may, in its discretion, entertain a subsequent motion to amend this notice of investigation pursuant to sections 210.20(d) and 210.22 of the Commission rules;

(3) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—  
Cordis Dow Corp.  
999 Brickell Avenue  
P.O. Box 450990  
Miami, Fla. 33145

(b) The respondents are the following companies alleged to be involved in the unauthorized importation of certain hollow fiber artificial kidneys into the United States, or in their sale, and are parties upon whom the complaint shall be served:

Terumo America, Inc.	Terumo Kabushiki Kaisha
2811 E. Ana	44-1, 2-chome
Compton, Calif. 90221	Hatagaya, Shibuya-ku
	Tokyo, Japan

(c) Robert M. M. Seto, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named Commission investigative attorney, a party to this investigation; and

(d) For the investigation so instituted, Chief Administrative Law Judge Donald K. Duvall, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to sections 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause is shown.

Failure of a respondent to file a timely response to each allegation in the complaint as limited by this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint as limited by this notice, and to authorize the presiding officer and the Commission, without further notice to the respondents, to find the facts to be as alleged in the complaint as limited by this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for the confidential information contained therein, is available for inspection by interested persons at the Office

of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the Commission's New York Office, 6 World Trade Center, New York, N.Y. 10048.

By order of the Commission.

Issued: March 26, 1980.

KENNETH R. MASON,  
*Secretary.*

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In the Matter of }  
CERTAIN COAT HANGER RINGS } Investigation No. 337-TA-70

COMMISSION REQUEST FOR PUBLIC COMMENTS CONCERNING RECOMMENDED DETERMINATION BASED ON SETTLEMENT AGREEMENT

*Introduction*

In connection with the Commission's investigation, under section 337 of the Tariff Act of 1930, of alleged unfair methods of competition and unfair acts in the importation and sale of certain coat hanger rings in the United States, the presiding officer recommended on December 31, 1979, that the Commission grant a joint motion to terminate the investigation (motion docket No. 70-2) as to all issues and parties involved. The motion was supported by a settlement agreement signed by all parties. No finding was made as to whether there is a present violation of section 337. The presiding officer certified the record to the Commission for its consideration. Copies of the presiding officer's recommended determination may be obtained by interested persons by contacting the Office of the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

The text of the settlement agreement is as follows:

SETTLEMENT AGREEMENT

This agreement is entered into as of the 31st day of October 1979, between International Coat Hanger Co., a company having offices at 11785 Cardinal Circle, Garden Grove, Calif. 92642, wherein it conducts a business as "Pacific Coat Hanger Manufacturing Co." (hereinafter referred to as complainant) on one hand, and Beverly Coat Hanger Co., a company having offices at 500 Indiana Street, San Francisco, Calif. 94107 (hereinafter referred to as Beverly), Nagel Manufacturing Co., a company having offices at 9100 United Drive, Austin, Tex. 78757 (hereinafter referred to as Nagel), and Consolidated Automotive, a company having offices at 205 E. St. Elmo Road, Austin, Tex. 78745 (hereinafter referred to as Consolidated) (Beverly,

Nagel, and Consolidated being referred to in combination hereinafter as respondents) on the other hand.

*Witnesseth*

Whereas, complainant filed a complaint with the International Trade Commission (hereinafter the ITC) resulting in the ITC initiating Investigation No. 337-TA-70 titled "in the Matter of Certain Coat Hanger Rings" (hereinafter the investigation); and,

Whereas, by the investigation, the complainant is seeking to have certain coat hanger rings as now imported by respondents barred from further importation by respondents based on an alleged violation of section 337 of the Tariff Act of 1930 as amended (19 U.S.C. 1337) based on an alleged infringement of complainant's U.S. Patent No. 3, 3,208,708 (hereinafter the patent); and,

Whereas, without thereby or in any way admitting either the validity of the patent or acts of infringement by the respondents jointly or severally, the respondents are willing to voluntarily change their structural design of coat hanger rings alleged by complainant to be in violation of the patent to a structural design admitted by the complainant to be outside the scope of the claims of the patent in order to terminate the investigation in the quickest and least costly fashion possible,

Now therefore, the parties to this agreement do agree as follows:

*I. Joint motion to terminate*

As soon as practical following the execution of this agreement, the parties agree, by and through their respective attorneys, to enter a Joint Motion to Terminate the Investigation.

*II. Structural design changes*

2.1 Respondents agree to no longer import, obtain from a domestic or foreign source, manufacture, or sell, for the duration of the patent—being until September 29, 1982, coat hanger rings of the type shown in the patent and covered by the claims thereof.

2.2 Nagel and Consolidated anticipate replacing the accused infringing rings as presently imported and sold by them by a design of the type shown in the now expired U.S. Patent No. 2,998,142 of Reed, a copy of which is attached hereto as exhibit A. (A copy of this exhibit may be obtained from the Office of the Secretary at the Commission.) Complainant agrees that such design is not covered by the claims of U.S. Patent No. 3,208,708.

2.3 Beverly anticipates replacing the accused infringing rings as presently imported and sold by them by a design as set forth in the drawing attached hereto as exhibit B. (A copy of this exhibit may be obtained from the Office of the Secretary at the Commission.) Com-

plainant agrees that such design is not covered by the claims of U.S. Patent No. 3,208,708.

### *III. Previously manufactured rings*

In consideration of respondents voluntarily agreeing to change the design of their coat hanger rings, complainant agrees to allow respondents to dispose of reasonable quantities of previously manufactured rings or rings ordered and in transit which are of respondents' old design as evidenced by physical samples filed with the complaint in USITC Investigation No. 337-TA-70 (hereinafter stock on hand). To this end, complainant hereby grants to respondents, and each of them, a paid-up royalty-free license under U.S. Patent No. 3,208,708 with respect to any and all coat hanger rings sold on or before 60 days from the effective date of this agreement. For any stock on hand sold thereafter, respondents agree to pay and complainant agrees to accept a royalty of \$5 per 1,000 rings.

### *IV. Records, royalty payments, and inspection*

(a) Respondents shall keep accurate records showing the number and dates when and if stock on hand is sold so that any royalties due under this agreement can be determined. Within 30 days following the end of any calendar quarter in which stock on hand is sold for which a royalty is due the one of respondents making such sale shall forward a statement to complainant showing the number sold along with payment for the royalty due.

(b) Respondents agree that they will on reasonable notice during regular business hours permit an independent certified public accountant employed by complainant to have access to their records pertaining to the sale of stock on hand to audit and verify the accuracy of the royalty statements submitted by respondents pursuant to this agreement. The cost of any such audit shall be borne by complainant, and only one such audit shall be made in any one fiscal year. Any information obtained from an audit shall be used only for the purpose of determining the accuracy of such royalty reports and for enforcing payment of royalties due and payable to complainant.

### *V. Quiet enjoyment*

So long as any one of the respondents is abiding by the terms of this agreement, complainant agrees to file no legal complaints based on rights under U.S. Patent No. 3,208,708 against any one of respondents which is abiding by the terms of this agreement.

### *VI. Assignability*

This agreement is binding upon and shall inure to the benefit of the parties, their heirs and assigns.

*VII. Applicable law*

This agreement shall be interpreted in accordance with the law of the State of California and shall be binding on each of the legal representatives of the parties hereto.

*VIII. Complete agreement*

This Agreement constitutes the complete agreement between the parties and no modifications shall be binding upon the party against whom enforcement of such modification is sought unless it is made in writing referring to this agreement and is signed on behalf of such party by one of its officers, or related principal.

IN WITNESS WHEREOF, the parties hereto have hereunto affixed their corporate seal and subscribed their names.

BEVERLY COAT HANGER CO.

INTERNATIONAL COAT HANGER  
Co.

NAGEL MANUFACTURING CO.

CONSOLIDATED AUTOMOTIVE

*Procedure for Consideration of the Public Interest*

*Requests for oral argument and oral presentations.*—At present, no oral argument or oral presentations are planned with respect to the public-interest factors raised by the recommended determination of the presiding officer. However, the Commission will consider requests for an oral argument or oral presentations if they are received by the Secretary to the Commission on or before April 22, 1980.

*Written submissions on the recommended determination.*—Written submissions from the parties, other interested persons, Government agencies and departments, governments, or the public with respect to the public interest will be considered by the Commission if received on or before April 22, 1980.

*Additional information.*—The original and 19 copies of all written submissions must be filed with the Secretary to the Commission. Any person desiring to submit a document (or a portion thereof) to the Commission in confidence, must request in camera treatment. Such request should be directed to the Secretary of the Commission and must include a full statement of the reasons the Commission should grant such treatment. The Commission will either accept such submission in confidence or return the submission. All nonconfidential written submissions will be open to public inspection at the Office of the Secretary.

Notice of the Commission's investigation was published in the Federal Register of July 18, 1979 (44 F.R. 41971).

By order of the Commission.

Issued: March 26, 1980.

KENNETH R. MASON,  
*Secretary.*

(19 CFR 270.40)

## MALLEABLE PIPE FITTINGS FROM JAPAN—INVESTIGATION No. 701-TA-9 (FINAL)

*Notice of Termination of Investigation and Cancellation of Hearing*

AGENCY: U.S. International Trade Commission.

ACTION: In view of the withdrawal by the petitioners of the petition upon the basis of which investigation No. 701-TA-9 (final) was initiated, the Commission hereby terminates such investigation pursuant to section 704(a) of the Trade Act of 1930.

EFFECTIVE DATE: March 24, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Office of Investigations, telephone 202-523-1376.

SUPPLEMENTARY INFORMATION: By notice issued January 10, 1980, and published in the Federal Register of January 17, 1980 (45 F.R. 3400), the Commission instituted the subject investigation to determine whether with respect to the articles involved an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of the subsidized imported merchandise. A public hearing was scheduled, on a tentative basis, to be held at the International Trade Commission Building, on April 7, 1980.

The legal authority for a request to withdraw a petition for the countervailing duty investigation and the legal authority for the Commission to terminate an investigation in response to a request to withdraw the petition are found in section 704 of the Tariff Act of 1930. Since a preliminary determination has already been made by the predecessor of the Commerce Department, the only applicable restriction on the Commission's authority to terminate is that all parties to the investigation be notified of the termination. In the instant case no requests for appearances before the Commission have been received. For these reasons the Commission is granting the request and terminating this investigation. The Commission is notifying the Department of Commerce of its action in this case.

By order of the Commission.

Issued: March 25, 1980.

KENNETH R. MASON,  
*Secretary.*



[332-73]

*Notice of Release for Public Comment of Provisionally Adopted Chapters  
of the Harmonized Commodity Description and Coding System*

AGENCY: U.S. International Trade Commission

ACTION: Release for public comment, pursuant to Commission investigation No. 332-73, under the authority of section 332 (g) of the Tariff Act of 1930, as amended, of drafts of the following chapters of the Harmonized Commodity Description and Coding System as provisionally adopted by the Harmonized System Committee and the Nomenclature Committee of the Customs Cooperation Council.

- Chapter 4: Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included
- Chapter 12: Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial and medical plants; straw and fodder
- Chapter 18: Cocoa and cocoa preparations
- Chapter 19: Preparations of cereals, flour or starch; pastrycooks' products
- Chapter 21: Miscellaneous edible preparations
- Chapter 22: Beverages, spirits and vinegar
- Chapter 23: Residues and waste from the food industries; prepared animal fodder
- Chapter 35: Albuminoidal substances; glues; enzymes
- Chapter 36: Explosives; pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations
- Chapter 37: Photographic and cinematographic goods
- Chapter 42: Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silkworm gut)

WRITTEN SUBMISSIONS: Parties wishing to submit written comments should do so by July 1, 1980.

HEARING: Parties desiring the Commission to hold a hearing on these draft chapters of the Harmonized Code should contact the Secretary of the Commission by April 11, 1980, and show good cause for holding a hearing.

COPIES OF DOCUMENTS: Copies of the chapters which are the subject of this notice are available for public inspection at the offices of the Commission, 701 E Street NW., Washington, D.C. 20436, or at 6 World Trade Center, New York, N.Y. 10048. The Commission will also send copies to interested parties upon request.



**FOR FURTHER INFORMATION CONTACT:** Eugene A. Rosengarden, Director, Office of Nomenclature, Valuation and Related Activities, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone, 202-523-0370.

**SUPPLEMENTARY INFORMATION:** In its public notice of February 8, 1980 (45 F.R. 9828 of February 13, 1980), the Commission identified 48 chapters of the Harmonized Commodity Description and Coding System (Harmonized System) for which texts had been provisionally adopted by the Harmonized System and Nomenclature Committees of the Customs Cooperation Council. The purpose of the above mentioned notice was to invite comments and views of interested parties with respect to the 48 chapters.

Since the release of the February 8, 1980 notice, provisionally adopted texts of 11 further chapters have been published by the Customs Cooperation Council. This notice hereby amends the previous notice by adding these 11 new chapter texts to the list of texts released for public comment.

This notice is being issued pursuant to Commission investigation No. 332-73, instituted on January 31, 1975 (40 F.R. 6329), under section 332(g) of the Tariff Act of 1930. The investigation was initiated in accordance with section 608(c) of the Trade Act of 1974, which provides, in part, that the Commission shall institute an investigation which would provide the basis for—

(2) full and immediate participation by the U.S. International Trade Commission in the U.S. contribution to technical work of the Harmonized Systems [sic] Committee under the Customs Cooperation Council to assure the recognition of the needs of the U.S. business community in the development of a Harmonized Code reflecting sound principles of commodity identification and specification and modern producing methods and trading practices \* \* \*.

The Harmonized Commodity Description and Coding System (Harmonized Code) is being developed by the Customs Cooperation Council (CCC), an 80-member international organization with headquarters in Brussels, as an international commodity classification system which will be adaptable for modernized customs tariff nomenclature purposes and for recording, handling, and reporting of transactions in international trade. The Harmonized Code will be based on, and in many respects will be an extension of, the Customs Cooperation Council Nomenclature (CCCN), formerly known as the Brussels Tariff Nomenclature (BTN).

Currently, the technical team working under auspices of the CCC prepares drafts of the various chapters of the Harmonized Code for consideration by the Harmonized System Committee, which was

established in order to develop the code. These drafts are forwarded to the members and observers of the Committee for their review and submission of written comments. The Committee meets three times a year to consider these drafts and the written comments and presentations of the various delegations. The review of a particular chapter or group of chapters may extend to more than one meeting.

In its public notices of May 4, 1976 (41 F.R. 18716 of May 6, 1976), August 9, 1976 (41 F.R. 34370 of August 13, 1976), December 20, 1976 (41 F.R. 55948 of December 23, 1976), September 1, 1977 (42 F.R. 44852 of September 7, 1977), February 7, 1978 (43 F.R. 5902 of February 10, 1978), October 16, 1978 (43 F.R. 48723 of October 19, 1978), February 14, 1979 (44 F.R. 10435 of February 20, 1979), May 16, 1979 (44 F.R. 29740 of May 22, 1979), and September 5, 1979 (44 F.R. 53112 of September 12, 1979), the Commission identified those chapters which have been considered thus far by the Harmonized System Committee, and the chapters for which a technical team draft has been released.

Following its deliberations on the draft chapters, the Harmonized System Committee forwards recommended texts for the chapters to the Nomenclature Committee. The Nomenclature Committee, which supervises the operations of the Convention on Nomenclature for the Classification of Goods in Customs Tariffs and is responsible for insuring international uniformity in the interpretation and application of the CCCN, reviews the recommended texts for the Harmonized System and returns the draft chapters which it has approved to the Harmonized System Committee. The draft chapters which have thus been provisionally approved by both committees are then held in abeyance pending final revision sessions. It is anticipated that the Harmonized System Committee will begin final revision sessions early in 1981.

The draft chapters released for public comment today have been provisionally adopted by the Harmonized System Committee and the Nomenclature Committee according to the above described procedure. As further chapters are adopted, the Commission will issue future notices requesting public comment.

In 1971, the Department of the Treasury established an Interagency Advisory Committee on Customs Cooperation Council Matters in order to provide a basis for interested Federal agencies to participate with respect to CCC matters. In order to establish and develop U.S. programs and policies with respect to the Harmonized Code, the interagency committee has instituted procedures which take into account the provisions of section 608(c) of the Trade Act of 1974, which call for the Commission to contribute to the U.S. technical input to the Harmonized System Committee. Under these procedures

the Commission is preparing technical comments and proposals on the various chapters of the Harmonized Code for consideration by the interagency committee in the determination of U.S. proposals with respect to the Harmonized Code.

In making proposals, the Commission is seeking and taking into consideration the views of trade and industry and other interested parties and of interested Government agencies.

By order of the Commission:

Issued: March 21, 1980.

KENNETH R. MASON,  
*Secretary.*

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701-TA-11 (FINAL) THROUGH 701-TA-19 (FINAL) AND 701-TA-22  
(FINAL) THROUGH 701-TA-30 (FINAL)

*Notice of Scheduling of Hearings in Countervailing Duty Investigations*

AGENCY: U.S. International Trade Commission.

ACTION: Scheduling of hearings and other procedural deadlines in countervailing duty investigations with respect to dextrines and soluble or chemically treated starches derived from corn starch or potato starch to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of subsidized imports.

EFFECTIVE DATE: Immediate.

FOR FURTHER INFORMATION CONTACT: John MacHatton, the supervisory investigator assigned by the Commission to these investigations. Telephone 202-523-0439.

SUPPLEMENTARY INFORMATION: The Commission instituted investigations 701-TA-22 (final) through 701-TA-30 (final) concerning dextrines and other soluble or chemically treated starches derived from potato starch effective February 5, 1980 (45 F.R. 11938, February 22, 1980) pursuant to section 104(a) of the Trade Agreements Act of 1979. That notice incorporated a hearing date and other procedural deadlines. The Commission instituted investigations 701-TA-11 (final) through 701-TA-19 (final) concerning dextrines and soluble or chemically treated starches derived from corn starch effective January 1, 1980 (45 F.R. 3400, January 17, 1980), pursuant to section 102(a)(2) of the Trade Agreements Act of 1979. That notice incorporated a tentative hearing date.

By this notice the Commission establishes a final hearing date and other procedural deadlines in the corn starch investigations to cor-

respond with the dates in the potato starch investigations, which are as follows:

Commission staff report made available to parties.....	Mar. 21, 1980
Prehearing statements due from parties.....	Apr. 7, 1980
Hearing.....	Apr. 9, 1980

The hearing will be held beginning at 10 a.m., e.s.t., in the hearing room of the ITC building, 701 E Street NW., Washington, D.C.

By order of the Commission.

Issued: March 24, 1980.

KENNETH R. MASON,  
*Secretary.*

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[19 CFR 207.40]

NONQUOTA CHEESE FROM NORWAY—INVESTIGATION No. 701-TA-61  
(FINAL)

*Notice of Termination of Countervailing Duty Investigation*

AGENCY: U.S. International Trade Commission.

ACTION: In view of the withdrawal by the petitioner of the petition upon the basis of which the above-captioned investigation was initiated, the Commission hereby terminates such investigation pursuant to section 704(a) of the Tariff Act of 1930.

EFFECTIVE DATE: March 19, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eninger, Office of Investigations, telephone 202-523-0312.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(a)(1)(C), requires the Commission to conduct countervailing duty investigations in cases where the Commission receives the most current net subsidy information pertaining to any countervailing duty order in effect on January 1, 1980, for which the Secretary of the Treasury has waived the imposition of countervailing duties under section 303(d) of the Tariff Act of 1930, and which applies to merchandise other than quota cheese, which is a product of a country under the agreement. On February 5, 1980, the Commission received such information from the U.S. Department of Commerce regarding nonquota cheese from Norway.

Section 704 of the Tariff Act of 1930 permits the Commission to terminate countervailing duty investigations upon withdrawal of the petition by the petitioner. On March 3, 1980, the Commission received a letter from the National Cheese Institute, the original petitioner for

a countervailing duty order, requesting that its petition in the matter of nonquota cheese from Norway be withdrawn. By this notice the Commission gives notice that it is granting the request of the National Cheese Institute by terminating the investigation of nonquota cheese from Norway.

In addition to publishing this notice in the Federal Register, the Commission is notifying the Department of Commerce of its action in this case.

By order of the Commission:

Issued: March 19, 1980.

KENNETH R. MASON,  
*Secretary.*





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